

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Angelo Sguinzi

Serial No.: 10/579,012

Filed: June 14, 2006

For: SYSTEM FOR SECURING A MONOBLOCK WINDOW TO A VEHICLE BODY

Confirmation No.: 4936

Date: July 22, 2008

Group Art Unit: 3612

Examiner: Kiran B. Patel

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 1.192 AND 41.37

Sir:

This appeal concerns the propriety of the Examiner's final rejection set forth in the Office Action mailed January 22, 2008 in connection with the above-identified U.S. patent application. Further to the Notice of Appeal filed May 22, 2008, the present Appeal Brief is presented.

I. REAL PARTY IN INTEREST

Real party in interest in the above-identified application is the assignee, Sguinzi Pietro S.p.A.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences of which applicant is aware regarding the above-identified U.S. patent application.

III. STATUS OF CLAIMS

Claims 1-8 and 10-12 stand rejected under 35 U.S.C. §112, first paragraph.

Claim 9 was canceled without prejudice or disclaimer.

IV. STATUS OF AMENDMENTS

An Amendment under 37 C.F.R. § 1.116 amending the claims was filed on April 9, 2008. An Advisory Action mailed April 21, 2008 stated that the claim amendments would not be entered. However, a subsequent Advisory Action mailed May 7, 2008 stated that the amendments to the claims will be entered. Accordingly, there are no outstanding claim amendments that have not been entered into the record.

V. SUMMARY OF THE INVENTION

Claims 1-8 and 10 are directed to a system for securing a window including an outer glass to a vehicle body. As described at Specification, page 2, lines 10-14, some conventional vehicle window mounting systems have the disadvantage that they require a bulky body side profile and can tend to lend a heavier appearance to the vehicle body because of laterally projecting metal draw pieces that are part of the window mounting system. In other conventional vehicle window mounting systems, the outer glass is glued to the outer surface of the vehicle body opening, as explained at Specification, page 3, lines 2-5. However, such mounting systems considerably increase the cost of vehicle window maintenance and disassembly, as explained at Specification, page 3, lines 11-14.

According to the system claimed in claim 1, the window chassis 2 supports the outer glass 1 and the gluing element 3 glues the outer glass 1 to the window chassis 2, as shown in Fig. 3 of the Drawings, and a counterchassis is positioned to connect the window chassis 2 to the vehicle body 12, the counterchassis being glued to the vehicle body 12. The counterchassis includes a draw piece 6 with an outer portion 7 and an inner wing 9, such that the outer portion and the inner wing are connected and such that the outer portion 7 is substantially coplanar to the outer glass 1. Further, a reversible fastener 14 connects the draw piece 6 to the window chassis 2. Accordingly, a more streamlined and less bulky appearance may be imparted to the vehicle body because of the coplanar alignment of the outer portion 7 of the counterchassis with the outer glass 1. Claims 11 and 12 are directed to the system of claim 1 and the outer glass, and to the system of claim 1 and the vehicle body, respectively.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

Rejection of claims 1-8 and 10-12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1-8 and 10-12 all stand or fall together.

VII. ARGUMENT

The subject matter described in claim 1 is the system shown in Figs. 3 and 4 as follows. The outer glass 1 of the vehicle window is supported by the window chassis 2 and connected thereto via the gluing element 3 which glues the outer glass 1 to the window chassis 2. A counterchassis is glued to the vehicle body 12 and connects the window chassis to the vehicle body 12. The counterchassis includes a Z-shaped draw piece 6, which in turn includes an outer portion 7 and an inner wing 9 connected to the outer portion 7.

(1) Is the term “a reversible fastener configured and positioned to connect said draw piece to the window chassis” as recited in claim 1 described in applicant’s disclosure in such a way as to reasonably convey to one of ordinary skill in the art that the inventor at the time the application was filed had intellectual possession of the claimed invention?

Applicant’s disclosure describes that the counterchassis includes a Z-shaped draw piece 6 and inner wing 9 of the Z-shaped draw piece 6. For example, as described at Specification, page 6, lines 1-4:

Z-shaped draw piece 6 . . . consists of an outer portion 7 and an inner wing 9, both connected by a stem 8, the whole forming a single piece.

The Z-shaped draw piece 6 is connected to the window chassis 2 using screws or other reversible fastener means. For example, Specification, page 6, lines 21-23 provides that:

The inner wing 9 of the Z-shaped draw piece 6 includes a housing 14 for the screws, allowing the window chassis 2 to be fastened to said draw piece 6.

Further, Specification, page 6, lines 5-8 describes that:

Such Z-shaped draw piece 6 is fit . . . to implement a connection with the window framework, consisting of the window chassis 2 and the outer glass 1.

This is also illustrated in Fig. 3 of the Drawings.

Accordingly, it is respectfully submitted that the Specification is quite clear that a reversible fastener connects the draw piece to the window chassis and is particular with respect to how this may be implemented. Further, the Specification provides that:

“the window chassis 2 is also connected to the draw piece 6 through the interposition of the gasket 15 fit to provide the centering, the watertightness and the support of the window framework in the opening.”

(Specification, page 6, line 24 – page 7, line 2).

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would have readily understood that the inventor at the time the application was filed had intellectual possession of the claimed invention as claimed in claim 1 based at least on the portions of applicant’s disclosure above-cited and would have been enabled to make and use the invention. The foregoing also sets forth the best mode contemplated by the inventor for carrying out the invention.

(2) Is the term “said counterchassis is glued to said vehicle body” as recited in claim 1 fully described in applicant’s disclosure in such a way as to reasonably convey to one of ordinary skill in the art that the inventor at the time the application was filed had intellectual possession of the claimed invention?

The Specification explains that the Z-shaped draw piece 6 is provided with special steps and notches allowing it to be steadily fixed to the vehicle body opening 13 through gluing or through mechanical connection means. (Specification, page 6, lines 9-12, underline added). As explained in the foregoing discussion, the counterchassis includes the draw piece 6 and other elements. (Specification, page 6, lines 1-4 and originally filed claim 1). As discussed, Fig. 3 illustrates the Z-shaped draw piece 6 including the outer portion 7 and the inner wing 9 both connected by stem 8, the whole forming a single piece. (Specification, page 5, line 24 – page 6, lines 1-4).

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would have readily understood that the inventor at the time the application was filed had intellectual possession of the invention as claimed in claim 1 and would have been enabled to make and use the invention.

Claims 2-8 and 10-12 were rejected only because of their dependency from claim 1, which recited the above-discussed two terms.

VIII. CONCLUSION:

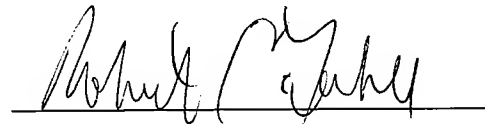
The rejection of claims 1-8 and 10-12 under 35 U.S.C. § 112, first paragraph, should be reversed.

Credit card payment for the required filing fee for the present Appeal Brief in the amount of \$ 255 (small entity) pursuant to 37 C.F.R. § 1.17(c) is submitted via EFS-Web. Any additional fees or charges required at this time in connection with this application and/or this appeal may be charged to Patent and Trademark Office Deposit Account No. 15-0700.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON JULY 22, 2008

RCF:GB:ns

Respectfully submitted,



ROBERT C. FABER
Registration No.: 24,322
Ostrolenk, Faber, Gerb & Soffen, llp
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

CLAIMS APPENDIX

1. A system for securing a window including an outer glass to a vehicle body, the system comprising:
 - a window chassis configured to support the outer glass;
 - a glue element for gluing the outer glass to the window chassis;
 - a counterchassis configured and positioned to connect said window chassis to said vehicle body, wherein said counterchassis is glued to said vehicle body and includes a draw piece with at least an outer portion and at least an inner wing, said outer portion and said inner wing being interconnected, wherein said outer portion is substantially coplanar to said outer glass; and
 - a reversible fastener configured and positioned to connect said draw piece to the window chassis.
2. The system according to claim 1, wherein said draw piece is substantially Z-shaped.
3. The system according to claim 1, wherein said outer portion of said draw piece is shaped so as to be coplanar also to an outer profile of said window chassis.
4. The system according to claim 1, wherein said inner wing of the draw piece includes a housing for the means used to fasten the window chassis to said draw piece.
5. The system according to claim 1, wherein said window chassis is connected to the draw piece via a gasket configured to provide centering, watertightness and support of the window framework.
6. The system according to claim 1, wherein said draw piece is provided with a fastening foot to improve the structural stability of the system.
7. The system according to claim 1, wherein said draw piece is provided with steps and notches configured to provide a connection to an opening in the vehicle body through gluing.

8. The system according to claim 1, further comprising a gasket for condensate recovery, said gasket being housed within a specially-shaped throat formed into a profile of the window chassis.

9. (Canceled)

10. The system according to claim 1, wherein said draw piece consists of a single piece.

11. In combination, the system according to claim 1 and the outer glass.

12. In combination, the system according to claim 1 and the vehicle body.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.